

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GERALD FREES, #623134

Plaintiff,

File No. 1:10-cv-609

v.

HON. ROBERT HOLMES BELL

PAUL DUBY, et al.,

Defendants.

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**ORDER APPROVING AND ADOPTING  
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

On November 2, 2011, Magistrate Judge Joseph G. Scoville issued a Report and Recommendation ("R&R") recommending that Plaintiff's claims for injunctive relief be dismissed as moot, that Plaintiff's claims for damages against Defendants in their official capacities be dismissed with prejudice because they are barred by Eleventh Amendment immunity, that Plaintiff's motion for summary judgment (Dkt. No. 37) be denied, that Defendants' motion for summary judgment (Dkt. No. 40) be granted, and that judgment be entered in Defendants' favor on all of Plaintiff's claims for damages against Defendants in their individual capacities. (Dkt. No. 65.) No objections have been filed, and the deadline for doing so has expired. The Court has reviewed the matter and concludes that the R&R correctly analyzes the issues and makes a sound recommendation. Accordingly,

**IT IS HEREBY ORDERED** that the November 2, 2011, R&R (Dkt. No. 65) is **APPROVED** and **ADOPTED** as the opinion of the Court.

**IT IS FURTHER ORDERED** that Plaintiff's claims for injunctive relief are **DISMISSED** as moot.

**IT IS FURTHER ORDERED** that Plaintiff's claims for damages against defendants in their official capacities are **DISMISSED** with prejudice.

**IT IS FURTHER ORDERED** that Plaintiff's motion for summary judgment (Dkt. No. 37) is **DENIED**.

**IT IS FURTHER ORDERED** that Defendants' motion for summary judgment (Dkt. No. 40) is **GRANTED**.

Dated: November 21, 2011

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
UNITED STATES DISTRICT JUDGE